

**LING NA LAU, PETITIONER, V. THE HON. LYLIHA ABELLA-AQUINO,
THEOBALD TIU, KATHLEEN CHENG, WILCENDO TAN MENDEZ, JOSE
CHUA AND ROBERT ORTIZ, RESPONDENTS.**

Ponente: LANTION, J.A.C., J.

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LANTION, J.A.C., J.:

This Petition for Certiorari[1] under Rule 65 of the Rules of Court seeks to set aside the Order[2] dated 11 November 2013 of the Regional Trial Court of Manila, Branch 24 (court a quo), in Criminal Case Nos. 08-260320, 08-260321, 08260322, 08-260323 and 08-260325, and the Order[3] dated 8 January 2014 which denied the Motion for Reconsideration[4] thereof.

Records reveal that Petitioner, through the Department of Justice, filed separate criminal complaints for the crimes of Use of Falsified Documents[5] and for False Testimony in Other Cases[6] against Private Respondents before the court a quo.[7]

After due proceedings, Petitioner filed her Formal Offer of Exhibits[8] on 27 July 2011. In turn, Private Respondents filed their Formal Offer of Documentary Exhibits[9] on 2 October 2013.

On 6 November 2013, Petitioner filed her Comment/Opposition[10] to Private Respondents' Formal Offer of Documentary Exhibits.

On 11 November 2013, the court a quo issued the assailed Order, admitting all the documentary exhibits offered by Private Respondents.[11]

Hence, the present Petition.

A perusal of the said Petition reveals that the same was filed “in behalf of the People of the Philippines,”[12] but without the participation or consent of the Office of the Solicitor General (OSG).

Section 35, Chapter 12, Title III, Book IV of the Administrative Code of 1987 provides that:

Section 35. Powers and Functions. — The Office of the Solicitor General shall represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceedings, investigation or matter requiring the services of lawyers. x x x It shall have the following specific powers and functions:

(1) Represent the Government in the Supreme Court and the Court of Appeals in all criminal proceedings; xxx (Emphasis provided.)

A reading of the above-quoted provision shows that all criminal proceedings before the Supreme Court and Court of Appeals may be brought and defended only by the OSG in behalf of the Republic of the Philippines.[13]

In *Heirs of Federico C. Delgado v. Gonzalez*,[14] the Court of Appeal's ordered for the dismissal of the Informations issued against Respondents for the crimes of Murder and Less Serious Physical Injuries. Petitioners

thereafter filed a Petition for Review on Certiorari to set aside the said Order, without the OSG's participation. The Supreme Court dismissed the said Petition holding that Petitioners, alone, did not have any legal standing to file the same. The Supreme Court ratiocinated that since the Petition was an incident of the criminal cases for Murder and Less Serious Physical Injuries in the court a quo, the Petition for Review on Certiorari partook of the nature of a criminal proceeding. Hence, the proper party to bring the said Petition is the State through the OSG.

Here, the instant Petition for Certiorari is also an incident of the criminal cases for the crimes of Use of Falsified Documents and False Testimony in Other Cases against Private Respondents. Thus, the said Petition should likewise be considered as a criminal proceeding. However, despite the same and albeit being filed "in behalf of the People of the Philippines,"[15] the Petition was filed by Petitioner without the OSG's participation. Considering that all criminal proceedings before the Court of Appeals may be brought and defended only by the OSG in behalf of the Republic of the Philippines,[16] We cannot entertain the present Petition for having been filed by Petitioner alone, a party without legal standing.[17]

ACCORDINGLY, the Petition is DISMISSED.

SO ORDERED.

Veloso (Chairperson) and Garcia-Fernandez,[*] JJ., concur.

[*] Acting Junior Member (per Office Order No. 197-14-ABR, dated 09 May 2014).

[1] Rollo, pp. 3-38.

[2] Rollo, pp. 39-40.

[3] Rollo, pp. 41-42.

[4] Rollo, pp. 48-72.

[5] Article 172 of the Revised Penal Code.

[6] Article 183 of the revised Penal Code.

[7] Rollo, p. 14.

[8] Rollo, pp. 88-106.

[9] Rollo, pp. 429-435.

[10] Rollo pp. 492-518.

[11] Rollo, pp. 39-40.

[12] Rollo, p. 3.

[13] LBP vs. Perez, et. al., G.R. No. 166884, June 13, 2012.

[14] G.R. No. 184337, August 7, 2009, 595 SCRA 501, 522-524.

[15] Rollo p. 3.

[16] LBP vs. Perez, et. al., supra.

[17] Heirs of Delgado and Pesico vs. Gonzales, et. al., supra.

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